

NETTIE BRUMLEY,)
)
Plaintiff,)
)
v.) Case No. CIV-05-483-WH
)
JO ANNE B. BARNHART,)
Commissioner of Social Security)
Administration,)
)
Defendant.)

Before the Court is the agreed motion of the parties to remand pursuant to sentence six of the Social Security Act. A district court is authorized to remand a case to the agency under either sentence four or sentence six of 42 U.S.C. §405(g). A sentence-four remand is a remand after passing on the merits; a sentence-six remand does not pass on the merits, but is a remand to take account of new evidence or for other good cause. *See Tower v. Barnhart*, 2004 WL 309337 (10th Cir.).

In the case at bar, the government asserts that the tape recording of the administrative hearing is partially blank, the Commissioner is unable to produce the required transcript, and thus remand is necessary. In a sentence-six remand, the district court does not enter final judgment because the district court retains jurisdiction. *See Krishnan v. Barnhart*, 328 F.3d 685, 691 (D.C.Cir.2003). Accordingly, only an Order will be entered.

It is the Order of the Court that the agreed motion to remand (#8) is hereby GRANTED. This action is remanded to the Commissioner pursuant to sentence six of the Social Security Act.

ORDERED THIS 1ST DAY OF MARCH, 2006.

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma